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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

FERNANDES, CHERYL M

ART UNIT PAPER NUMBER

2163

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,808

Applicant(s)

NAGATA, MASAYA

Examiner

Cheryl M Fernandes

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Amendment filed October 27, 2004.

Claims 1-44 are presented for examination. Claims 1, 2, 8, 9, 15-19, and 24 have been amended. Claims 29-44 have been added.

Response to Arguments

2. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 29-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "proximate" in claims 29, 31, 33, 35, 37, 39, 41, and 43 is a relative term which renders the claim indefinite. The term "proximate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Due to the 35 USC § 112 rejections made above, the claims have been treated on their merits as best understood by the examiner.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 5, 7, 15, 17, 19, 22, 23, 29, 30, 35-38, 41, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by US Publication Number 2002/0010689 by Tibbs et al (hereafter Tibbs).

Referring to claims 1, Tibbs discloses a label information providing method (Abstract), comprising:

- storing label information related to a label ('shipping label', Abstract; Fig. 5, 6), which shows at least commodity information ('item weight and dimensions', para. 32), in storage means by type of a commodity to which the label is affixed ('product database', para. 8, 30, and 32; see Fig. 4e); and
- reading out the label information which is required to be downloaded from the storage means (para. 32) and sending out the label information to a user's terminal ('merchant server', Fig. 2, element 110; 'user computer', Fig. 2, element 150; para. 36-38) when accessed by the user's terminal with reference to access destination information including a Uniform Resource Locator directly provided on material associated with the commodity ('URL address of webpage containing shipping label', para. 34, 37, 38 and 41) whereby a user requires downloading of the label information related to a label affixed to an arbitrary commodity (para. 37, 38, 41, and 42).

Referring to claim 15, the limitations of the claim repeat the respective limitations of claim 1 above in form of a computer program (Tibbs, 'ASP application', para. 25; Fig. 2, element 140). Claim 15 is therefore rejected for the same reasons discussed in claim 1.

Referring to claim 17, the limitations of the claim repeat the respective limitations of claim 1 above. Claim 17 is therefore rejected for the same reasons discussed in claim 1.

Referring to claim 19, the limitations of the claim repeat the respective limitations of claim 1 above in form of a device (Tibbs, Abstract; Summary; Fig. 2). Claim 19 is therefore rejected for the same reasons discussed in claim 1.

Referring to claim 29, Tibbs discloses a label information providing method (Abstract), comprising:

- storing label information related to a label ('shipping label', Abstract; Fig. 5, 6), which shows at least commodity information ('item weight and dimensions', para. 32), in storage means by type of a commodity to which the label is affixed ('product database', para. 8, 30, and 32; see Fig. 4e); and
- reading out the label information which is required to be downloaded from the storage means (para. 32) and sending out the label information to a user's terminal ('merchant server', Fig. 2, element 110; 'user computer', Fig. 2, element 150; para. 36-38) when accessed by the user's terminal with

reference to access destination information including a Uniform Resource Locator proximate to the commodity ('URL address of webpage containing shipping label', para. 34, 37, 38 and 41) whereby a user requires downloading of the label information related to a label affixed to an arbitrary commodity (para. 37, 38, 41, and 42).

Referring to claim 35, the limitations of the claim repeat the respective limitations of claim 29 above in form of a computer program (Tibbs, 'ASP application', para. 25; Fig. 2, element 140). Claim 35 is therefore rejected for the same reasons discussed in claim 29.

Referring to claim 37, the limitations of the claim repeat the respective limitations of claim 29 above. Claim 37 is therefore rejected for the same reasons discussed in claim 29.

Referring to claim 41, the limitations of the claim repeat the respective limitations of claim 29 above in form of a device (Tibbs, Abstract; Summary; Fig. 2). Claim 41 is therefore rejected for the same reasons discussed in claim 29.

Referring to claims 5 and 7, Tibbs discloses that:

- the access destination information is a URL (claim 5)(para. 34, 37, 38 and 41); and

- the label information is electronic data (claim 7)(Abstract; para. 6, 7, and 9).

Referring to claims 22 and 23, Tibbs discloses storing user information and commodity provider information, which are inputted from the user's terminal by relating the user information to the commodity provider information (Tibbs, para. 28, 29, and 32).

Referring to claims 30, 36, 38, and 42, Tibbs discloses that the Uniform Resource Locator is provided on material associated with the commodity (para. 34, 37, 38 and 41).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 8, 12, 14, 16, 18, 24, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,493,724 issued to Cusack et al (hereafter Cusack), and further in view of Tibbs.

Referring to claim 8, Cusack discloses a label information providing method (Abstract; Field of Invention; see claim 1 of Cusack), comprising the steps of:

- storing label information related to a label ('sample table', col. 5, lines 4-9; col. 7, lines 21-39), which shows at least commodity information ('biological

- samples'¹, col. 5, lines 20-23; Fig. 1, element 14), in storage means ('database', Fig. 1, element 14, col. 5, lines 20-23) by type of a commodity to which the label is affixed ('sample information', col. 8, lines 31-60);
- storing the commodity information included in the label information in the storage means by relating the commodity information to the label information ('biological samples' are stored in the database (Fig. 1, element 14), col. 5, lines 20-23); and
 - carrying out a search for label information which is stored in the storage means (Abstract; col. 1, lines 41-44, 53-62; col. 1, line 6- col. 2, line 2; 'search engine', col. 3, lines 45-49, 57-59; col. 9, line 34 - col. 10, line 31, Fig. 7- 8; col. 11, line 31- col. 13, line 38, Fig. 12) with reference to inputted commodity information ('Medical field' sample information value is input into the search query, col. 13, lines 5-10 and 25- 38, Fig. 12) and sending out label information corresponding to a search result to a user's terminal ('web enabled computer'², col. 5, lines 27-34; col. 9, line 34- col. 10, line 31; ('web browsers', Fig. 2; col. 6, lines 53-57), when accessed by the user's terminal with reference to access destination information ('WIM host site' (Fig. 1, element 12), col. 5, lines 27-54; col. 6, lines 15-24) whereby a user requires downloading of the label information related to a label affixed to an arbitrary

¹ The biological samples belonging to a plurality of sample providers in the database (Fig. 1, element 14) are maintained in the sample table.

² Researchers or buyers register on the WIM host site by a web enabled computer. In addition, they can perform quick or detailed searches for samples and are then provided with the search results. Examiner asserts that the search results shown are therefore accessed by the web-enabled computer.

commodity (col. 6, lines 42-65)³, and the commodity information included in the label information which is required to be downloaded is inputted through the user's terminal (see (Medical) Field sample information field in Fig. 12; also refer to col. 13, lines 5-10 and 25-38).

While Cusack discloses all of the above claimed subject matter including access destination information, Cusack remains silent as to the access destination information including a Uniform Resource Locator directly provided on material associated with the commodity.

However, Tibbs discloses analogous art wherein access destination information includes a Uniform Resource Locator directly provided on material associated with a commodity (Abstract; 'URL address of webpage contains shipping label', para. 34, 37, 38 and 41).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Cusack with access destination information including a Uniform Resource Locator directly provided on material associated with a commodity, as taught by Tibbs.

The ordinary skilled artisan would have been motivated to modify Cusack per the above for the purpose of having an improved method and system for handling product returns with the ability to generate and send a return-shipping label to a customer using the Internet (Tibbs, para. 2 and 6).

³ Buyers can use bar code information to download the full record associated with a sample to their

Referring to claim 16, the limitations of the claim repeat the respective limitations of claim 8 above in form of a program (Cusack, Abstract; Field of Invention; col. 6, lines 9-18). Claim 16 is therefore rejected for the same reasons discussed in claim 8.

Referring to claim 18, the limitations of the claim repeat the respective limitations of claim 8 above. Claim 18 is therefore rejected for the same reasons discussed in claim 8.

Referring to claim 24, the limitations of the claim repeat the respective limitations of claim 8 above in form of a device (Cusack, Abstract; Field of Invention; col. 1, lines 41-44 and 54-62). Claim 24 is therefore rejected for the same reasons discussed in claim 8.

Referring to claim 12, the combination of Cusack/Tibbs discloses that the access destination information is a URL (Cusack, col. 3, lines 49-52; Tibbs, para. 34, 37, 38 and 41).

Referring to claim 14, the combination of Cusack/Tibbs discloses that the label information is electronic data (Cusack, col. 5, lines 27-34; col. 6, lines 42-57; Tibbs, Abstract; para. 6, 7, and 9).

computers.

Art Unit: 2163

Referring to claim 26, the combination of Cusack/Tibbs discloses:

- storage of commodity provider information (Cusack, 'seller_id' stored in database, col. 4, lines 52-64 (Fig. 4); col. 5, lines 43-67⁴); and
- judging whether or not commodity provider information inputted from the user's terminal exists in the information stored, and only when judging that the commodity provider information exists in storage, sending out label information corresponding to a search result to the user's terminal (Cusack, col. 10, lines 13-31⁵; col. 11, line 31- col. 12, line 9; col. 13, lines 20-23 and 34-43⁶).

Referring to claims 27 and 28, the combination of Cusack/Tibbs discloses storing user information and commodity provider information, which are inputted from the user's terminal by relating the user information to the commodity provider information (Cusack, col. 5, lines 19-67; col. 10, lines 13-37 and 49-67⁷).

6. Claims 31-34, 39, 40, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cusack, and further in view of Tibbs.

⁴ Sample provider information is stored on WIM site when the provider registers as a user.

⁵ The buyer can perform a search by sample provider.

⁶ The buyer can search by provider information and if there are no matching providers, a negative search result is returned.

⁷ The registered buyer (whose information is stored at the time of registering) enters a desired item into a Wish List. The WIM host site then generates a search for appropriate providers to send the Wish List information to. Examiner asserts that in order to conduct a search for the appropriate provider, the provider information must be stored. Also see col. 5, lines 19-67 for provider registration.

Referring to claim 31, Cusack discloses a label information providing method, (Abstract; Field of Invention; see claim 1 of Cusack), comprising:

- storing label information related to a label ('sample table', col. 5, lines 4-9; col. 7, lines 21-39), which shows at least commodity information ('biological samples' (see footnote 1), col. 5, lines 20-23; Fig. 1, element 14), in storage means ('database', Fig. 1, element 14, col. 5, lines 20-23) by type of a commodity to which the label is affixed ('sample information', col. 8, lines 31-60);
- storing the commodity information included in the label information in the storage means by relating the commodity information to the label information ('biological samples' are stored in the database (Fig. 1, element 14), col. 5, lines 20-23); and
- carrying out a search for label information which is stored in the storage means (Abstract; col. 1, lines 41-44, 53-62; col. 1, line 6- col. 2, line 2; 'search engine', col. 3, lines 45-49, 57-59; col. 9, line 34 - col. 10, line 31, Fig. 7- 8; col. 11, line 31- col. 13, line 38, Fig.12) with reference to inputted commodity information ('Medical field' sample information value is input into the search query, col. 13, lines 5-10 and 25- 38, Fig. 12) and sending out label information corresponding to a search result to a user's terminal ('web enabled computer' (see footnote 2), col. 5, lines 27-34; col. 9, line 34- col. 10, line 31; ('web browsers', Fig. 2; col. 6, lines 53-57), when accessed by the user's terminal with reference to access destination information ('WIM host

Art Unit: 2163

site' (Fig. 1, element 12), col. 5, lines 27-54; col. 6, lines 15-24) whereby a user requires downloading of the label information related to a label affixed to an arbitrary commodity (col. 6, lines 42-65; see footnote 3), and the commodity information included in the label information which is required to be downloaded is inputted through the user's terminal (see (Medical) Field sample information field in Fig. 12; also refer to col. 13, lines 5-10 and 25-38).

While Cusack discloses all of the above claimed subject matter including access destination information, Cusack remains silent as to the access destination information including a Uniform Resource Locator proximate to the commodity.

However, Tibbs discloses analogous art wherein access destination information includes a Uniform Resource Locator proximate to a commodity (Abstract; 'URL address of webpage contains shipping label', para. 34, 37, 38 and 41).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Cusack with access destination information including a Uniform Resource Locator proximate to a commodity, as taught by Tibbs.

The ordinary skilled artisan would have been motivated to modify Cusack per the above for the purpose of having an improved method and system for handling product returns with the ability to generate and send a return-shipping label to a customer using the Internet (Tibbs, para. 2 and 6).

Referring to claim 33, the limitations of the claim repeat the respective limitations of claim 31 above in form of a program (Cusack, Abstract; Field of Invention; col. 6, lines 9-18). Claim 33 is therefore rejected for the same reasons discussed in claim 31.

Referring to claim 39, the limitations of the claim repeat the respective limitations of claim 31 above. Claim 39 is therefore rejected for the same reasons discussed in claim 31.

Referring to claim 43, the limitations of the claim repeat the respective limitations of claim 31 above in form of a device (Cusack, Abstract; Field of Invention; col. 1, lines 41-44 and 54-62). Claim 43 is therefore rejected for the same reasons discussed in claim 31.

Referring to claims 32, 34, 40, and 44, the combination of Cusack/Tibbs discloses that the Uniform Resource Locator is provided on material associated with the commodity (Tibbs, para. 34, 37, 38 and 41).

7. Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tibbs as applied to claims 1 and 19 above, and further in view of US Publication Number 2002/0004753 by Perkowski.

Referring to claims 2 and 20, Tibbs discloses all of the above claimed subject matter but remains silent as to including access destination information in the commodity.

However, Perkowski teaches analogous art wherein through a 'UPC Request service', access destination information (the homepage of any manufacturer) is automatically accessed by scanning the UPC number on a product (para. 80, 84, 216). In addition, Perkowski teaches the downloading of a plug-in software that automatic installs a 'product information' button on the consumer's Internet browser so that the UPC Request website can be accessed anywhere in the world. The consumer is also able to request product related information to be sent from the manufacturer (para. 225).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Tibbs to include access destination information in a commodity, as taught by Perkowski.

The ordinary skilled artisan would have been motivated to modify Tibbs per the above for the purpose of finding and serving consumer-product related information on the Internet accessible from the Websites of each manufacturer registered with the system database (Perkowski, para. 55).

Art Unit: 2163

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tibbs in view of Perkowski as applied to claim 2 above, and further in view of US Patent Number 5,978,773 issued to Hudetz et al (hereafter Hudetz).

Referring to claim 3, the combination of Tibbs/Perkowski discloses all of the above claimed subject matter but remains silent as to the access destination information being included in the same label that shows commodity information of the commodity.

However, Hudetz discloses analogous art wherein access destination information is included in the same label that shows commodity information of a commodity (see col. 1, lines 15-23 and 38-45; col. 6, lines 7-27; col. 11, lines 9-38 in reference to Fig. 9).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Tibbs/Perkowski to include the teaching that access destination information is included in the same label that shows commodity information of a commodity, as taught by Hudetz.

The ordinary skilled artisan would have been motivated to modify the combination of Tibbs/Perkowski per the above for the purpose of using bar codes to eliminate the necessity of manually entering network addresses (URLs). In addition, the use of UPC product bar-codes to access URLs allows for changes in network addresses to be made as only databases of addresses need to be changed instead of

Art Unit: 2163

the redesigning of all products and packaging bearing the UPC codes (Hudetz, col. 4, lines 4-30).

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tibbs in view of Perkowski as applied to claim 2 above, and further in view of US Patent Number 6,279,170 B1 issued to Chu.

Referring to claim 4, the combination of Tibbs/Perkowski discloses all of the above claimed subject matter but remains silent as to access destination information being included in a label which is different from a label showing commodity information.

However, Chu discloses analogous art wherein access destination information (web address) included in a label is different from a label showing commodity information (see Summary; col. 3, lines 26-49 in reference to Fig. 4 A-C and Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Tibbs/Perkowski to include access destination information included in a label which is different from a label showing commodity information, as taught by Chu.

The ordinary skilled artisan would have been motivated to modify the combination of Tibbs/Perkowski per the above for the purpose of obviating the need for

Art Unit: 2163

placing multiple labels on garments by using the active label of Chu to display changing information in multiple screen images (Chu, col. 1, lines 42-55).

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tibbs as applied to claim 5 above, and further in view of Hudetz.

Referring to claim 6, Tibbs discloses all of the above claimed subject matter but remains silent as to access destination information being bar-coded information of the URL.

However, Hudetz teaches analogous art wherein the accessing of Internet resources is performed by a user entering a product UPC number which causes a database that relates UPC numbers to URL addresses to retrieve URL corresponding to the UPC number entered (Abstract; col. 3, lines 24-36).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Tibbs to include bar-coded access destination information of a URL, as taught by Hudetz.

The ordinary skilled artisan would have been motivated to modify Tibbs per the above for the purpose of using bar codes to eliminate the necessity of manually entering network addresses (URLs). In addition, the use of UPC product bar-codes to access URLs allows for changes in network addresses to be made as only databases of

Art Unit: 2163

addresses need to be changed instead of the redesigning of all products and packaging bearing the UPC codes (Hudetz, col. 4, lines 4-30).

11. Claims 9 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cusack, in view of Tibbs as applied to claims 8 and 24 above, and further in view of Perkowski.

Referring to claims 9 and 25, the combination of Cusack/Tibbs discloses all of the above claimed subject matter but remains silent as to including access destination information in the commodity.

However, Perkowski teaches analogous art wherein through a 'UPC Request service', access destination information (the homepage of any manufacturer) is automatically accessed by scanning the UPC number on a product (para. 80, 84, 216). In addition, Perkowski teaches the downloading of a plug-in software that automatic installs a 'product information' button on the consumer's Internet browser so that the UPC Request website can be accessed anywhere in the world. The consumer is also able to request product related information to be sent from the manufacturer (para. 225).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Cusack/Tibbs to include access destination information in a commodity, as taught by Perkowski.

The ordinary skilled artisan would have been motivated to modify the combination of Cusack/Tibbs per the above for the purpose of finding and serving consumer-product related information on the Internet accessible from the Websites of each manufacturer registered with the system database (Perkowski, para. 55).

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cusack, in view of Tibbs, in view of Perkowski as applied to claim 9 above, and further in view of Hudetz.

Referring to claim 10, the combination of Cusack/Tibbs/Perkowski discloses all of the above claimed subject matter but remains silent as to the access destination information being included in the same label that shows commodity information of the commodity.

However, Hudetz discloses analogous art wherein access destination information is included in the same label that shows commodity information of a commodity (see col. 1, lines 15-23 and 38-45; col. 6, lines 7-27; col. 11, lines 9-38 in reference to Fig. 9).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Cusack/Tibbs/Perkowski to include the teaching that access destination information is included in the same label that shows commodity information of a commodity, as taught by Hudetz.

The ordinary skilled artisan would have been motivated to modify the combination of Cusack/Tibbs/Perkowski per the above for the purpose of using bar codes to eliminate the necessity of manually entering network addresses (URLs). In addition, the use of UPC product bar-codes to access URLs allows for changes in network addresses to be made as only databases of addresses need to be changed instead of the redesigning of all products and packaging bearing the UPC codes (Hudetz, col. 4, lines 4-30).

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cusack, in view of Tibbs, in view of Perkowski as applied to claim 9 above, and further in view of Chu.

Referring to claim 11, the combination of Cusack/Tibbs/Perkowski discloses all of the above claimed subject matter but remains silent as to access destination information being included in a label which is different from a label showing commodity information.

However, Chu discloses analogous art wherein access destination information (web address) included in a label is different from a label showing commodity information (see Summary; col. 3, lines 26-49 in reference to Fig. 4 A-C and Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Cusack/Tibbs/Perkowski to include access destination information included in a label which is different from a label showing commodity information, as taught by Chu.

The ordinary skilled artisan would have been motivated to modify the combination of Cusack/Tibbs/Perkowski per the above for the purpose of obviating the need for placing multiple labels on garments by using the active label of Chu to display changing information in multiple screen images (Chu, col. 1, lines 42-55).

14. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cusack, in view of Tibbs as applied to claim 12 above, and further in view of Hudetz.

Referring to claim 13, the combination of Cusack/Tibbs discloses all of the above claimed subject matter but remains silent as to access destination information being bar-coded information of the URL.

However, Hudetz teaches analogous art wherein the accessing of Internet

resources is performed by a user entering a product UPC number which causes a database that relates UPC numbers to URL addresses to retrieve URL corresponding to the UPC number entered (Abstract; col. 3, lines 24-36).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Cusack/Tibbs to include bar-coded access destination information of a URL, as taught by Hudetz.

The ordinary skilled artisan would have been motivated to modify the combination of Cusack/Tibbs per the above for the purpose of using bar codes to eliminate the necessity of manually entering network addresses (URLs). In addition, the use of UPC product bar-codes to access URLs allows for changes in network addresses to be made as only databases of addresses need to be changed instead of the redesigning of all products and packaging bearing the UPC codes (Hudetz, col. 4, lines 4-30).

15. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tibbs, as applied to claim 19 above, and further in view of Cusack.

Referring to claim 21, Tibbs discloses all of the above claimed subject matter, and also discloses storage of commodity provider information (Fig. 5, element 220).

However, Tibbs remains silent as to judging whether or not commodity provider information inputted from the user's terminal exists in the information stored, and only when judging that the commodity provider information exists in storage, sending out label information corresponding to a search result to the user's terminal.

However, Cusack teaches analogous art that includes judging whether or not commodity provider information inputted from a user's terminal exists in information stored, and only when judging that a commodity provider information exists in storage, sending out label information corresponding to a search result to the user's terminal (Cusack, col. 10, lines 13-31 (see footnote 5); col. 11, line 31- col. 12, line 9; col. 13, lines 20-23 and 34-43, see footnote 6).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Tibbs to include judging whether or not commodity provider information inputted from a user's terminal exists in information stored, and only when judging that a commodity provider information exists in storage, sending out label information corresponding to a search result to the user's terminal, as taught by Cusack.

The ordinary skilled artisan would have been motivated to modify Tibbs per the above for the purpose of enabling highly specific research needs to be very particularly and efficiently met (Cusack, col. 10, lines 24-30).

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M Fernandes who can be reached on (571) 272-4018. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2163

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CMF
January 21, 2005


WAYNE AMSBURY
PRIMARY PATENT EXAMINER